

REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks presented herein, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 10 and 11 are pending in this application. Claims 1-9 are cancelled and claims 10 and 11 are added. It is noted that the Examiner did not acknowledge or examine claims 7-9, although they were filed with and pending in the application. This point is moot, as all previously pending claims have been cancelled.

Support for the added claims can be found throughout the specification, for example, on page 1, lines 20-22, and from the cancelled claims. No new matter is added.

It is submitted that the claims are patentably distinct over the prior art and that these claim are and were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that these amendments should not give rise to any estoppel, as they are not narrowing amendments.

II. THE REJECTION UNDER 35 U.S.C. § 101 IS OVERCOME

Claims 1-4 were rejected under Section 101 as allegedly lacking method steps. Claims 1-4 have been cancelled, and claim 10 properly recites the step of contacting a neuronal cell with RAR β 2. Therefore, this rejection is moot. Reconsideration and withdrawal are requested.

III. THE REJECTION UNDER 35 U.S.C. § 112, 1ST PARAGRAPH, IS OVERCOME

Claims 5 and 6 were rejected under Section 112, first paragraph, because the claimed methods allegedly lacked enablement for methods of using RAR β 2 to treat neurological injury. The current claims are directed to using an agonist of RAR β 2 and producing neurite outgrowth, rendering the rejection irrelevant. Reconsideration and withdrawal are requested.

IV. THE REJECTION UNDER 35 U.S.C. § 102 IS OVERCOME

Claims 5 and 6 were rejected under Section 102 as allegedly being anticipated by Lamph. Lamph does not teach or suggest a method of producing neurite outgrowth by contacting a neuronal cell with an agonist of RAR β 2. Therefore, the claims cannot be anticipated by Lamph. Reconsideration and withdrawal of the rejection are requested.

CONCLUSION

The application is in condition for allowance. Favorable reconsideration of the rejections and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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